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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/933,054	08/20/2001	Richard Horn	ZTP 99 P 4011	6717

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JOHN T. WINBURN
BSH HOME APPLIANCES COPORATION
100 BOSCH BLVD
NEW BERN, NC 28562

EXAMINER

STRIMBU, GREGORY J

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 05/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/933,054	Applicant(s) HORN ET AL.	
	Examiner Gregory J. Strimbu	Art Unit 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2006 and 15 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,8 and 12-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,8 and 12-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Specification

The abstract of the disclosure is objected to because "[b]oth form" on line 3 is confusing since it is unclear what elements of the invention the applicant is referring to. On line 4, "that receives between them" is confusing since it is unclear how a point can receive a layer of material. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 8, and 12-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Monti (US Patent No. 3,126,590). Monti discloses a refrigerator door comprising: an outer paneling 16 having a free edge portion (not numbered, but shown in figure 3) and being made from a metallic material as shown by the cross sectional shading in figure 3; an inner paneling 20 having an edge portion (not numbered, but shown in figure 3) and being made from metallic material as shown by the cross sectional shading in figure 3, said inner paneling spaced from said outer paneling, and said free edge portion and said edge portion being vertically offset in parallel planes; a thermal insulation layer (not numbered, but shown in figure 3) produced by foaming, said thermal insulation layer being

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disposed between said outer paneling and said inner paneling; a means 50 for thermally insulatingly coupling said edge portion to said free edge portion, said coupling means substantially thermally uncoupling said edge portion from said free edge portion, the profile includes a receptacle 64, a door seal 40, receiving grooves/receptacles 60 and 72, 74, 76. It should be noted that the process limitations set forth in claims 12-14 and 15-19 have been treated as product-by-process limitations and are, accordingly, anticipated by the product as set forth in the rejection above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 12-14, and 20-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pasqualini et al. (Patent No. 4,617,759) in view of McAlarney (Patent No. 4,138,049). Pasqualini et al. discloses a refrigerator door comprising a metal outer panel (16) having a free edge portion (see figure 4 and column 3, line 11), an inner panel (17) having an edge portion spaced apart from the outer panel; a thermal, foamed insulation disposed between the outer and inner panels (see column 1, lines 50-55), a plastic, thermally insulating couple (1) being a fastening element of a door seal having connecting edge portions (9 and 19)

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connecting the edge portion of the inner panel with the free edge portion of the outer panel (see figure 4), wherein the connecting edge portions behave as spring members that substantially thermally uncouple the edge portion from the free edge portion, and a door seal (11) having a seal foot (12) which is directly held by the thermally insulating couple, two receiving grooves 10 and 20.

Pasqualini et al. is silent concerning a refrigerator door having the inner panel made of metal.

However McAlarney teaches a refrigerator door having an outer panel 8 made from steel and an inner panel made of metal (see figure 1 and column 3, lines 1-3 and 26-27).

It would have been obvious to one of ordinary skill in the art to provide the inner panel of Pasqualini et al. with a steel metal construction, as taught by McAlarney, in order to prevent/reduce thermally induced relative movement between the inner panel and outer panel and to improve the aesthetics of the inner panel while increasing the strength of the door.

It should be noted that the process limitations set forth in claims 12, 13, 14, 24, and 25 have been treated as product-by-process limitations and are, accordingly, anticipated by the product as set forth in the rejection above.

Response to Arguments

Applicant's arguments filed April 18, 2006 and July 15, 2005 have been fully considered but they are moot in view of the new grounds of rejection.

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Conclusion

THIS ACTION IS NOT MADE FINAL.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 571-272-6836. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Gregory J. Strimbu", with a long horizontal line extending from the end of the signature.

Gregory J. Strimbu
Primary Examiner
Art Unit 3634
May 19, 2006